

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0793/OUT 06.11.2013	Mr P D Watts 26 Coed-Y-Pia The Rise Llanbradach Caerphilly CF83 3PT	Erect two detached dwellings Land Adjacent To 23 Kingswood Close Hengoed

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: Land adjacent to 23 Kingswood Close, Hengoed. The site is located within a predominantly residential area within the settlement boundary. Residential properties are located to the north, east and western boundaries of the site and along Kings Hill beyond the highway to the southern boundary of the site.

Site description: This is a vacant piece of land, which is proposed to be accessed via a shared private drive that runs along the front of no's 21 and 23 Kingswood Close that leads off the end of the highway at Kingswood Close. A public pedestrian footpath runs between the vehicular access drives serving those existing residential properties located at the end of Kingswood Close and also provides access to the application site and a pedestrian link onto Kings Hill and Alexandra Road.

To the south and east boundaries exist trees and hedgerow, subject of Tree Preservation Order No.49/72 RVDC, with a considerable difference level to the adjoining highway.

Development: Outline planning permission is sought in respect of the construction of two, detached dwellings with only access to be considered at this stage with appearance, landscaping, scale and layout reserved for subsequent approval. An indicative layout has been submitted showing access via the private vehicular access lane to the front of no's 21 and 23 Kingswood Close leading off the main highway at Kingswood Close to the north of the site.

Dimensions:

Dimensions (upper and lower limits for height, width and length of each building):
Plots 1 and 2: 8.5m high, width 9m, depth 7.5m maximum, and a minimum of 7.4m x 8.8m x 8.5m high.

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Application No. 13/0793/OUT Continued

Materials: Subject to a reserved matters application.

Ancillary development, e.g. parking: 6 off-street parking spaces indicated but subject to a reserved matters application.

PLANNING HISTORY

P/03/1539 - Erect four new dwellings - Granted 25.02.04.

P/06/0485 - Fell and carry out replacement planting and reduction work to trees T921, T922 and T924 - Refused 25.05.06.

P/06/0486 - Fell and carry out replacement planting and reduction work to trees T908, T909, T911, T913, T915, T917, T918, T919, T925, T926 and T927 - Granted 25.05.06.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Policy SP5 - within the settlement boundary.

Policies:

Strategic Policies: SP2 - Development Strategy - Development in the Northern Connections Corridor, SP6 - Place making, SP10 - Conservation of Natural Heritage, SP21 - Parking Standards.

Countywide Policies: CW2 - Amenity, CW3 - Design considerations - highways, CW6 - Trees, Woodland and Hedgerow Protection, CW15 - General locational constraints,

Supplementary planning guidance contained in LDP4 - Trees and Developments, LDP5 - Parking Standards, LDP6 - Building Better Places to Live, LDP7 - Householder Developments.

NATIONAL POLICY

Planning Policy Wales 7th Edition, July 2014, Manual for Streets.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

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Application No. 13/0793/OUT Continued

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of this application.

CONSULTATION

Head Of Public Protection - Has no objection to the development.

Senior Engineer (Land Drainage) - Prior to the commencement of any development of the site the applicant must submit to the Local Planning Authority and receive written approval of comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with as required by the Flood & Water Management Act 2010. He provides advice to be conveyed to the developer in respect of land drainage matters.

Dwr Cymru - Provides advice to be conveyed to the developer in respect of foul water and surface water discharges from the site.

Gelligaer Community Council - Object to the development because it is believed the proposed access is over a private drive.

Transportation Engineering Manager - No objection to the development subject to the level of car parking provision throughout the residential development shall be in accordance with the requirements of LDP5 Car Parking Standards. Also, no means of vehicular access to the development shall be gained via King's Hill.

Senior Arboricultural Officer (Trees) - Recommends conditions are attached to any consent requiring the revised (July 7th 2014) report by Torfaen Tree Consultancy be broadly approved as the basis for the protection of the highlighted trees on site and immediately adjacent to site. A further detailed method statement be submitted regarding the incorporation of short bored pile and beam construction within the root protection area of T2 (Lime) and that a schedule of site monitoring by the applicant's appointed arboricultural agent be submitted for approval. This will include, but not be limited to, an initial joint site visit to be co-ordinated by the applicant, with officers in attendance together with the appointed agent to assess the satisfactory specification and positioning of the required tree protection barrier. An approved schedule of periodic arboricultural site monitoring need not be too onerous, and will ensure that the required protection measures will be effective for the duration of the development to the Planning Department's satisfaction.

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Application No. 13/0793/OUT Continued

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and 20 neighbouring properties have been consulted.

Response: None.

Summary of observations: Not applicable.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

There are no specific crime and disorder implications material to the determination of this planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? No - outline application.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance.

The main issues in respect of the residential development of this site are considered to be the compatibility of the use with surrounding land uses, the effect of the development upon the character of the surrounding area and upon the amenity of occupiers of neighbouring properties, and also in terms of highway safety.

Given that the site subject of this application is included within the settlement boundary for Hengoed as identified in the LDP, it is considered that in policy terms the development of the site would be consistent with Policy SP5 of the LDP i.e. it promotes the full and effective use of urban land and serves to concentrate development within the existing settlement.

General development control considerations are set out in policies SP6 (Place making), CW2 (Amenity) and CW3 (Design consideration: Highways) of the LDP.

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Application No. 13/0793/OUT Continued

Strategic Policy SP6 sets out criteria relating to place making, notably that development should seek an appropriate mix in respect of the role and function of its settlement, seek a high standard of design, seek locations that make the most of sustainable transport and accessibility principles and realises the efficient use of land. The proposed development site lies to the west of the A469m to the north of the A472, within the settlement area of Hengoed and offers the opportunity to provide housing, which will be close to residential areas and local facilities in both Hengoed and Ystrad Mynach. This is an outline application with only access to be considered at this stage with matters relating to appearance, landscaping, scale and layout reserved for subsequent consideration. As with any outline planning application for development there is a requirement to provide an increased level of detail to be submitted. In this respect an indicative site layout has been proposed, which identifies 2 detached, dwellings to be constructed, with vehicular access obtained via a shared drive leading off the highway at Kingswood Close. Off-street parking provision in respect of each dwelling is proposed. The proposal is considered to be acceptable in terms of scale, use, density, and layout and adequate off-street parking and amenity is provided in respect of each dwelling. In consideration of Policy SP6 the outline proposal satisfies two of the four relevant factors, a sustainable location and efficient use of land.

Policy CW2 sets out criteria relating to amenity. Notwithstanding the steeply sloping surrounds to the eastern and southern boundaries, which contain the trees and hedgerow protected under Tree Preservation Order No.49/72 RVDC, the plot would appear to be flat enough and provide enough land to accommodate two dwellings with parking and turning facilities and amenity space, with access achievable via a shared drive leading off Kingswood Close. In this respect it is considered that the proposed development is compatible with the surrounding residential land uses and does not result in the over-development of the site. In terms of the impact of the development upon the amenity of adjacent properties or land it is noted that this is an outline application with the detail and appearance of the proposed dwellings reserved for subsequent approval. It is considered appropriate to attach a condition to any consent requiring site control details given the close proximity to existing residential dwellings.

Policy CW3 sets out criteria in terms of highway design considerations. This Council's Group Manager (Transportation Planning) has raised no objection to the development subject to conditions being attached to any consent in respect of parking provision and that there shall be no vehicular access from Kings Hill. The applicant has provided documentary evidence that he has a right of access to the development plot off Kingswood Road.

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Application No. 13/0793/OUT Continued

Policy CW4 aims to protect trees, woodland and hedgerows. In this respect it is noted that the eastern and southern boundaries of the site contain trees protected under Tree Preservation Order No.49/72 RVDC. The applicant has submitted a Tree Survey prepared by Torfaen Tree Consultancy (dated July 7th 2014), which includes detailed tree protection measures, which has been duly considered by this Council's Arboriculturalist. The tree protection measures proposed are considered satisfactory. However, it is considered appropriate that a further detailed method statement be submitted requiring the incorporation of short bored pile and beam construction within the root protection area of a Lime Tree identified as T2 in the tree survey together with a schedule of site monitoring. This may be addressed by attaching appropriate conditions to any consent.

Policy CW5 considers the protection of the water environment. In this respect it is noted that the proposed development lies outside of an identified Flood Zone as defined by the Development Advice Maps (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN 15) (July 2004). A condition will be attached to any consent requiring land drainage details to be submitted for consideration and approval in writing with the Local Planning Authority. The comments received from Dwr Cymru/Welsh Water in respect of the application will be conveyed to the developer.

Comments from consultees: The objection from the Community Council is that access is via a private drive is not supported by the Transport and Engineering Manager. In addition a private access is not unacceptable per se. The concerns of the remaining statutory consultees referred to above may be addressed by attaching appropriate conditions to any consent.

Comments from public: None.

Other material considerations: Not applicable.

In conclusion, it is considered the proposed development does not conflict with local plan policies or national planning guidance and subject to the imposition of appropriate conditions is considered acceptable in planning terms.

RECOMMENDATION that Permission be GRANTED

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Application No. 13/0793/OUT Continued

This permission is subject to the following condition(s)

- 01) Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the appearance, landscaping, layout and scale of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) Prior to the commencement of work on site a schedule of periodic site monitoring by an appointed certified arboricultural agent shall be submitted for consideration and approval in writing by the Local Planning Authority. This will include, but not be limited to, an initial joint site visit to be coordinated by the applicant, between the Council's Arboriculturalist together with the appointed agent to assess the satisfactory specification and positioning of the required tree protection barrier. The development shall be carried out in accordance with the agreed details.
REASON: To ensure that the required protection measures will be effective for the duration of the development.

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Application No. 13/0793/OUT Continued

- 06) Notwithstanding the details submitted prior to the commencement of work on site a further detailed method statement shall be submitted to the Local Planning Authority for consideration and approval in writing regarding the incorporation of short bored pile and beam construction within the root protection area of the identified Lime Tree (T2). The development shall be carried out in accordance with the agreed details.
REASON: To ensure that the required protection measures will be effective for the duration of the development.
- 07) During the construction of the development hereby approved tree protection measures shall be carried out in accordance with the mitigation measures outlined in the revised (July 7th 2014) report by Torfaen Tree Consultancy for the protection of the highlighted trees on site and immediately adjacent to site.
REASON: To ensure the protection of those trees protected under Tree Preservation Order No.49/72 RVDC.
- 08) The development hereby approved relates to the details received on 13.12.13 - drawing no: OPP/KCH/01 dated March 2013 by the Local Planning Authority.
REASON: For the avoidance of doubt as to the details hereby approved.
- 09) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 10) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority, to accommodate:
(a) Parking of vehicles of site personnel, operatives and visitors,
(b) Loading and unloading of plant and vehicles,
(c) Storage of plant and materials used in constructing the development,
(d) Noise mitigation and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (d) above without the prior written agreement of the Local Planning Authority.
REASON: In the interests of amenity and highway safety.

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Application No. 13/0793/OUT Continued

- 11) The level of car parking provision in respect of the development hereby approved shall be in accordance with the requirements of the Council's Approved Supplementary Planning Guidance LDP5 Car Parking Standards.
REASON: In the interests of highway safety.

- 12) There shall be no means of vehicular access to the development hereby approved via King's Hill.
REASON: In the interests of highway safety.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3, CW4.

The applicant is advised of the comments of Senior Engineer (Land Drainage) Dwr Cymru/Welsh Water and Senior Arboricultural Officer (Trees).
